

PROSKAUER ROSE LLP
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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STUART DIAMOND,

Plaintiff,

-v-

TREASURERS AND TICKET SELLERS UNION
LOCAL 751 PENSION FUND,
THE TRUSTEES OF THE TREASURERS AND
TICKET SELLERS UNION
LOCAL 751 PENSION FUND,
AND ROBERT CLEARY,

Defendants.
-----X

05 CV 1937 (PAC)
ECF CASE

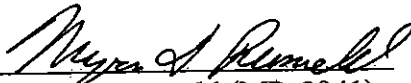
NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Affidavit of Myron Rumeld, sworn to on December 15, 2005, and the exhibits thereto, the accompanying Affidavit of Sara Corello, sworn to on December 15, 2005, and the exhibits thereto, the Statement Pursuant to Local Rule 56.1, and all prior proceedings herein, Defendants Treasurers and Ticket Sellers Local 751 Pension Fund (incorrectly named as the Treasurers and Ticket Sellers Union Local 751 Pension Fund), the Trustees of the Treasurers and Ticket Sellers Local 751 Pension Fund, and Robert Cleary (collectively, the "Defendants") will move this Court before The Honorable Paul A. Crotty at the United States Courthouse, Southern District of New York, 40 Centre Street, Room 2102, New York, New York 10007, for an Order pursuant to Rule 56 of the Federal Rules

of Civil Procedure granting Defendants' Motion for Summary Judgment, dismissing Plaintiff's lawsuit in its entirety, and granting Defendants such other and further relief as this Court may deem just and proper.

Dated: New York, New York
December 16, 2005

PROSKAUER ROSE LLP

By: 
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